

# THE BERKMAN LAW OFFICE, LLC

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August 20, 2018

**BY ECF**

Hon. Roanne L. Mann  
United States Magistrate Judge  
United States District Court for the Eastern District of New York  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Lelchook, et al v. Islamic Republic of Iran, et al*  
1:16-cv-07078-(ILG)-(rlm)

Dear Judge Mann,

Plaintiffs oppose defense counsel's request for an enlargement of time to file a reply in further support of their motion to withdraw. (DE 141). Eight days to reply is excessive for the simple issue at hand and, moreover, counsel have signaled an intention to misuse this time to try to manufacture a professional ethics dilemma where none exists. *See id.* (“[T]ime is needed to review plaintiffs’ papers and to assure our compliance with the RPCs.”).

The plain-vanilla conditions of withdrawal plaintiffs requested are meant to prevent any future dispute as to whether the record here satisfies *City of New York v. Mikalis Pawn Shop*, 645 F.3d 114 (2d Cir. 2010), and they raise no professional ethics issues whatsoever. *See e.g. IST Tech., LLC v. Rational Enterprises*, 2008 WL 4571258, at \*7 (D. Nev. July 15, 2008) (ordering withdrawing counsel to identify the corporate officers with whom counsel had communicated during the case and to provide a current address for their client, and rejecting claim that these conditions of withdrawal implicated any ethical concerns); *Heinrich v. Ditech Fin., LLC*, 2018 WL 3917768, at \*3 (E.D. Cal. Aug. 15, 2018) (noting that under Local Rules withdrawing attorney *must* “provide an affidavit stating the current or last known address or addresses of the client.”). *Cf. In re Grand Jury Proceedings-Gordon*, 722 F.2d 303, 308 (6th Cir. 1983) (holding name of corporate representative with whom attorney had communicated is neither confidential nor privileged).

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Defense counsel thus have no colorable grounds to oppose these conditions, and therefore do not need eight days to formulate a reply. Counsel's resistance serves no one but defendant BSPLC, which, as plaintiffs have previously noted, counsel continues to zealously represent in other cases.

We thank you for your consideration.

Respectfully,



Robert J. Tolchin

cc: All counsel of record by ECF